



Appeal Decision

Site visit made on 3 March 2026

by **David Jones BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 May 2026

Appeal Ref: APP/M0655/C/24/3348406

Wayside Bungalow, Knutsford Road, Grappenhall & Thelwall, Warrington WA4 3LA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Christopher Daniel Meek against an enforcement notice issued by Warrington Borough Council.
 - The notice was issued on 10 June 2024.
 - The breach of planning control as alleged in the notice is the construction of a detached garden room, workshop and store outbuilding, creation of a bund, and the erection of a fence and gates.
 - The requirements of the notice are:
 - a) Remove the detached garden room, workshop and store outbuilding from the land.
 - b) Remove the fencing and gate (adjacent to Knutsford Road) from the land.
 - c) Remove the earth bund (adjacent Knutsford Road) from the land and reinstate the land to its original level and condition prior to the breach taking place.
 - The period for compliance with the requirements is: Two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (f), and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is corrected by:
 - Substituting the plan attached to the notice with the amended plan annexed to this decision.
 - In section 3 the deletion of the words “garden room, workshop and store” and “creation of a bund, and the erection of a fence and gates.”.
2. Subject to the above corrections, the appeal on ground (a) is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the construction of a detached outbuilding at Wayside Bungalow, Knutsford Road, Grappenhall & Thelwall, Warrington WA4 3LA, as shown on the plan attached to the notice.

Application for costs

3. An application for costs was made by Mr Christopher Daniel Meek against Warrington Borough Council. This application is the subject of a separate decision.

The Notice

4. The Council acknowledge that the detached outbuilding attacked by the enforcement notice is not used as a “*garden room, workshop and store outbuilding*”, and that it would be better described as simply “*an outbuilding*”.

Following my site visit I concur with this position, and consequently I shall omit the descriptive words from the allegation. In the interests of clarity and precision, I shall also substitute the plan attached to the notice with an amended plan provided by the Council which identifies the location of the outbuilding concerned.

5. I can undertake these corrections using the broad powers available to me under the provision of section 176(1) of the 1990 Act, without causing injustice to the parties.

Ground (d)

6. An appeal on ground (d) is that, at the date the notice was issued, it was too late to take enforcement action against the breach of planning control due to the passage of time. It is not disputed that the operational development attacked by the enforcement notice was substantially completed prior to 25 April 2024, before the legislative changes to time limits came into effect. Therefore, no enforcement action can be taken after a period of four years beginning with the date on which the operations were substantially completed.
7. As the notice was issued on 10 June 2024, the appellant needs to demonstrate, on the balance of probabilities, that the development had been substantially completed on or before 10 June 2020. The appellant's case on ground (d) related only to the erection of the fence and gates and creation of a bund. It is accepted that the outbuilding was not substantially completed by the relevant date.
8. As set out in both parties' respective appeal statements, it is now agreed that the operational development to create the bund and erect the fence and gates was substantially completed more than four years prior to the issue of the notice. There is no need for me to rehearse the arguments here, and I see no reason to disagree with the parties.
9. Therefore, I conclude, on the balance of probability, that the period for taking enforcement action against the bund, fence and gates had expired before the notice was issued. The appeal on ground (d) succeeds to that extent, and I shall correct the notice to remove reference to those developments.

Ground (a) – the deemed planning application

10. The appeal on ground (a) is that planning permission should be granted for what is alleged in the enforcement notice. Due to the partial success on ground (d) in relation to the bund, fence and gates, the deemed planning application relates only to the detached outbuilding.
11. The main issues are:
 - whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework ("the Framework") and any other relevant development plan policies;
 - the effect of the development on the character and appearance of the area; and
 - whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Whether inappropriate development in the Green Belt

12. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of buildings and other forms of development should be regarded as inappropriate development in the Green Belt, subject to several exceptions set out in paragraphs 154 and 155 of the Framework.
13. Policy GB1 of the Warrington Local Plan 2021/22-2038/39 (adopted December 2023) (LP) is consistent with the Framework and states that other forms of development defined in national planning policy to be an exception to inappropriate development within the Green Belt, will be supported, subject to meeting other relevant Local Plan policies and any relevant Supplementary Planning Documents.
14. Paragraph 154 of the Framework states certain forms of development are not inappropriate development in the Green Belt. The Council contend that the development should be considered under the exception provided at 154 c), which is *“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”*.
15. Case law¹ indicates that extensions can include structures which are physically detached from the building of which they are an extension. However, the case law does not set a specific distance at which a freestanding building should, or should not, be considered an extension. In the case of the appeal development, whilst its function is related to the main dwelling, given its design and appearance which do not reflect that of the dwelling, and the considerable distance between it and the host property, spatially and visually, there is a conspicuous disconnection between them. As a result, the development is clearly perceived as an outbuilding rather than an extension. It would not therefore meet the exception at paragraph 154 c).
16. The appellant was clear that it was not his case that the outbuilding met the exception at 154 c). Instead, the appellant considers that the development meets the exception set out at paragraph 154 g) which is *“limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt”*.
17. The Council argue that the exception at 154 g) is not applicable to the appeal development. However, there is no reason why the development, which is not an extension or addition to a building, could not be considered under 154 g). Notwithstanding their position, the Council go on to argue that to meet the exception at 154 g) the development *“must still represent infilling”*. This is also incorrect, as the exception provides for the *“limited infilling or (my emphasis) the partial or complete redevelopment of previously developed landwhich would not cause substantial harm to the openness of the Green Belt”*. It is the appellant's case that the development meets the second part of this exception, namely the partial or complete redevelopment of previously developed land (PDL).
18. PDL is defined in Annex 2 to the Framework and includes land which has been lawfully developed and is or was occupied by a permanent structure and any fixed

¹ Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)

surface infrastructure associated with it, including the curtilage of the developed land. It does not include land in built-up areas such as residential gardens. Although there is a residential property to the south-east and a dog's home to the north-east, Wayside Bungalow is situated in an area consisting of predominantly open green fields and is outside of any built-up area. There is also no dispute that the building has been constructed within the curtilage of Wayside Bungalow, which is a permanent structure itself and exists with other fixed surface infrastructure including the parking area. The appeal site therefore meets the definition of PDL, and the outbuilding is a partial redevelopment of that PDL.

19. Wayside Bungalow has a substantial residential curtilage and is situated in an area of countryside characterised by scattered dwellings and buildings amongst otherwise largely open green fields. The property has previously been extended to the rear and is located adjacent to the south-eastern boundary towards the rear of the plot.
20. The outbuilding has a large footprint and is approximately 5 metres in height. It includes a first floor within its roof space as well as a dormer on its western elevation. Thus, it has a significantly greater impact on openness than the area of land on which it has been constructed. However, its visibility is generally limited to views from the farmland to the rear of the appeal site. Any views of the outbuilding from Knutsford Road and nearby properties are significantly restricted by the presence of existing hedgerows, trees and other vegetation, buildings, and boundary treatments. Moreover, the development appears as a domestic outbuilding within the curtilage of a dwelling, thus its relationship to the existing development limits its visual effect on the openness of the Green Belt.
21. For the reasons given above, I conclude that although the proposal would have a harmful effect on the openness of the Green Belt, that harm would be moderate. The development does not therefore conflict with paragraph 154 g) of the Framework and is not inappropriate development in the Green Belt. There is no conflict with national Green Belt policy set out in the Framework, and the need for special circumstances does not apply.

Character and Appearance

22. The outbuilding is positioned adjacent to the rear boundary of the appeal site and has been constructed with green painted timber cladding and a tile roof. Glazed patio doors are located on the front and rear elevations, and the west facing roof elevation contains a dormer window. Internally the outbuilding includes a toilet, shower, and sink with the ground floor predominantly set out as a home gym.
23. I appreciate that the outbuilding is fairly significant in size, both in terms of its footprint and overall height. However, particularly given the size of the plot, it is not of such a size that it appears as a separate dwelling. The scale, materials and appearance have a subtle presence, providing a respectful design with a subservient domestic appearance, thus respecting its surroundings within an established residential curtilage.
24. Furthermore, whilst views are possible from the open farmland to the rear, its location towards the rear of the appeal site combined with the presence of existing buildings, boundary treatments and mature vegetation, mean that the outbuilding is not widely visible from vantage points regularly used by the public, such as Knutsford Road or other nearby properties.

25. I therefore conclude that the outbuilding does not have a harmful effect on the character and appearance of the surrounding area. Consequently, there is no conflict with Policies DC1 and DC6 of the LP, and guidance contained within the Council's House Extensions Supplementary Planning Document. Together these seek, amongst other things, to ensure that development respects and makes a positive contribution to local character and distinctiveness within the surrounding area.

Conditions

26. I have considered the imposition of appropriate planning conditions, having regard to the six tests set out in the Framework. No suggested conditions have been put forward by the Council and given that the works have already been undertaken on site, I see no reason why any conditions would be necessary in this instance.

Conclusion

27. For the above reasons the appeal on ground (d) succeeds in part, because the bund, fence and gates are time barred. It fails in respect of the detached outbuilding.
28. On ground (a), having regard to the notice as corrected, I have not found harm by way of inappropriateness, or any other harm. As a result, I do not need to consider whether there are other considerations that might amount to very special circumstances.
29. The development accords with the policies of the development plan when read as a whole, and the Framework. There are no material considerations to indicate that a decision should be taken other than in accordance with that plan. I therefore conclude that the ground (a) appeal should be allowed and planning permission granted in respect of the detached outbuilding.
30. As a consequence of allowing ground (d) in part and granting planning permission for the outbuilding, the notice will be quashed. Accordingly, the appeals on grounds (f) and (g) do not fall to be considered.

David Jones

INSPECTOR

Plan

This is the plan referred to in this decision dated: 14 May 2026

by David Jones BSc (Hons) MPlan MRTPI

Land at: Wayside Bungalow, Knutsford Road, Grappenhall & Thelwall, Warrington WA4 3LA

Reference: APP/M0655/C/24/3348406

Scale: Not to Scale

